

black with people who have come to see the fun," blue with troops. Every train arriving during the last twelve hours brought troops and Republicans and Populist volunteers, armed with all sorts of weapons and anxious to take a hand in the fight. Soldiers surround the Capitol, and stand at every entrance prevent any one from entering without a pass from the Governor, countersigned by the Adjutant-General. Members of the Legislature are no better off in this respect than common folk. Mrs. Lease managed to get in, but Mr. Lease spent several hours trying to follow his wife, but without success. The Populists kindled bonfires in the streets to warm themselves by. Battery A of Wichita, with a Gatling gun and plenty of ammunition, guards the main approach to the Capitol, and battery B of Topeka guards the arsenal.

THE REPUBLICANS WON'T STARVE.
Business is depressed. Men walk in groups, a single pedestrian is a rare sight. The hotel corridors swarm with men from all parts of the State to be on hand in case of emergency. The troops sympathize mostly with the Republicans, so, in spite of the Adjutant-General's order not to allow food to be taken into the Capitol, the soldiers conveniently fall to eat well-filled baskets of provisions heaped up to Representative Hall by means of ropes. The Wichita battery even went so far as to bring its Gatling gun on the ground unit for use, one very essential part of its mechanism having been removed. The captain of the battery appeared to be greatly surprised when his attention was called to the fact, and called his men up one by one and questioned them about it. All denied any knowledge of the circumstance, and the piece still stands impotently at the supposititious invading Republicans.

Populist Plans Defeated.
TOPEKA, Feb. 16.—The Populists planned to assault the Republican stronghold at 8 o'clock this morning, hoping to take them by surprise. Col. Hughes learned of the plan and informed the Republicans they had nothing to fear from him. A little later he was summoned to the Governor's office, a plan was laid before him, and he was ordered to carry it out. He positively refused, declaring that there was no peace officer; that the Republican House was the only legal one, and he would not interfere with it. The Governor threatened to relieve him. He retorted that the regiment would disband at the same time.

PEDESTRIAN MATCHES IN THE HALL.
This piece of insubordination, together with the fact that nearly all the commanders of the State troops are Republicans, about decided him to place no more reliance on the militia. Among the arrivals today were about four hundred armed Republicans and one hundred armed Populists. There was no sleep for the imprisoned Republicans in Representative Hall, and with the heat cut off, they had to organize pedestrian matches and exercise in the hall. At 4 o'clock half a dozen gasoline stoves were sent up to them by ropes, and the members gathered around them to get what little warmth they furnished.

Sergeant-at-Arms Clevering.
The Republican House, armed with the aid of C. Gunn, Director, under arrest for contempt for refusing to appear before the House Election Committee. He seeks to test the legality of the Republican organization, and has appealed to the Supreme Court for a writ of habeas corpus, and was released Friday. He declared that the Republican House is not a legal body, and on the court's decision the status of that House will depend. The Republicans hope to be able to stand off the Populists till a decision is reached.

A Pledge Sworn In.
TOPEKA, Feb. 16 (10:45 a.m.).—Sheriff Wilkinson is swearing in a posse of 1000 men, ostensibly to preserve peace, but generally believed to support the Republican position. A conflict may take place when the posse is put to work.

THREW UP THE SPONGE.
The Populists conclude to make no further resistance.

TOPEKA, Feb. 16.—The Populists have practically abandoned the field. They are now in the basement of the Capitol, and have decided to make no further attempt to gain entrance to Representative Hall.

The action of the Sheriff in swearing in 1000 men made the odds so heavy against the Populists that they decided not to attempt to meet them, and it was decided to hire a hall for meetings of the Populist leaders.

The Governor, as commander-in-chief of the State troops, has relieved Col. Hughes of the direct command of the troops, but has allowed him to retain the colonelcy of the Third Regiment. The Governor himself has assumed command of the troops. As a result of the conference between Col. Hughes and Sheriff Wilkinson, the latter has announced that he will take charge of affairs and will raise the siege of the Republican House. The State militia have decided to obey his orders as a peace officer. This, of course, has strengthened the Republican position, as it gives the Sheriff about all the armed men in the city, including as it does the militia and his thousand deputies. It is not known what the Populists' next move will be, but they seem powerless.

ARMED WITH BARREL BATS.
It was decided to be dangerous to put firearms into the hands of the Sheriff's posse, so 500 barrel bats, all the there were in town, were secured and given to the men, the remainder being armed with sticks. Gov. Lewelling has appointed Lieut. Col. Barker commandant of the troops.

POPULISTS PROBABLY DECLINE.
The Governor may organize these into provisional troops, who can be depended upon to obey his orders. It is not believed, however, that he will take such an extraordinary action. The prospects for tomorrow are that the Populists will decline to accept the proposition of a compromise as amended by the Republicans. The general feeling tonight is one of renewed uneasiness, and predictions are freely made that tomorrow may see the long anticipated inauguration.

A PROPOSITION TO THE GOVERNOR.
The proposition presented in the Republican House by Gov. Lewelling elicited a great deal of argument. After a lengthy debate a proposition to the Governor was drafted. It proposed to dismiss all contempt proceedings heretofore instituted; that each house should arrest the clerk of the other house on a charge of contempt; both houses to apply to the Supreme Court for a writ of habeas corpus, both cases to be prosecuted on the sole question as to the legality of the respective houses; the Governor to dismiss the militia and provisional guard; the Sheriff to dismiss all special deputies; the Republican House to have free and undisturbed possession of the Capitol; the Populist House to have free and undisturbed possession of the Capitol; the Populist House to have free and undisturbed possession of the Capitol; the Populist House to have free and undisturbed possession of the Capitol.

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not satisfied as to some of the legal points, and would not reply until tomorrow morning. In the meantime the Republicans are not to be molested, but he advised them to adjourn.

POPULISTS HOLD A SESSION.

Pass a Bill for the Removal of the Sheriff.
TOPEKA, Feb. 16.—[By the Associated Press.] The Populist House met this afternoon in rooms down town and took action contemplating the checking of Sheriff Wilkinson's move, passing an emergency bill empowering the Governor to remove the Sheriff of any county for cause and appoint his successor forthwith. The specific "causes" are not stated. The bill will go to the Senate in the morning. When that body passes it the Governor can relieve Sheriff Wilkinson and disband his militia. The Sheriff resists the action on the ground that the bill was not passed by the legal House of Representatives. The Sheriff said late tonight that he would not give up his office without a struggle.

Probably Cool Their Ardor.
TOPEKA, Feb. 17.—At 1 o'clock this (Friday) morning the situation remains unchanged, save for the fact that a heavy snowfall set in soon after midnight and the militiamen are experiencing some of the pleasures of winter campaigning. The Republicans are snugly ensconced in Representative Hall, and are, for the most part, sleeping soundly.

THE POPULISTS' LITTLE RUSS.

Republican Guards Rout Them at the Bayonet Point.
KANSAS CITY (Mo.), Feb. 16.—[By the Associated Press.] The Star has the only newspaper man inside the hall of the House of Representatives at Topeka. He gives an account of the proceedings on the inside, sent direct by wire from the hall. The members left in squads and got breakfast this morning, and again returned with provisions for the sergeants-at-arms, who could not leave, as the guards would not let them return.

At 11 o'clock the sergeants-at-arms appeared in the hall with their arms full of Winchester, which they proceeded to stack up in handy places. Then came a lot of mail-carriers, who can not be kept out of the building, carrying a plentiful supply of provisions. A file of twenty-four men, armed with Winchester, were stationed at the head of the stairway to prevent any unauthorized Populist from coming up, armed or unarmed. Shortly after noon a company of thirty men with flags and rifles appeared on the main stairway and announced themselves as Lawrence guards come to assist their friends, the Republicans. They were soon discovered, however, that they were Populists, and they were driven away at the point of the bayonet.

THE GOVERNOR'S THREAT DON'T MATERIALIZE.

At 11 o'clock the Governor sent a message saying he would give the members just fifteen minutes to vacate, or he would drive them out at the point of the bayonet. The message was received with derisive laughter. They doubled the guards and waited, but the Governor failed to appear. At 2 o'clock this afternoon the Governor's private secretary appeared, and submitted a proposition in writing from the Governor to withdraw the militia, and that the Republicans would not be interfered with by the Populists if the Republicans would drop legal proceedings against the Populists and if the Sheriff would disband his posse, the agreement to last till the close of the session of the Legislature. The Republicans are now considering the proposition.

NORTH CAROLINA POPULISTS.

The Democrats Demanded Them by Resolving Their Charter.
RALEIGH (N. C.), Feb. 16.—[By the Associated Press.] The Populists were dumfounded today when the Democrats in the House, by a solid vote, passed the bill repealing the charter of the State Farmers' Alliance. It will probably pass the Senate also.

The bill is entitled an act for the relief of the stockholders of the State Alliance Business Agency. There is about \$50,000 in the fund, not a cent of which can be secured by those who contributed it, and it is openly charged that it is about to be used in the interest of the People's party, the president of the State Alliance, as well as its secretary and business agent being extreme members of that party. A receiver will be asked for immediately. Most of the fund was contributed by persons not now alive. A bill will be introduced to recharter the alliance, to be reorganized solely in the farmers' interest. The officers of the alliance will issue an address to the members denying that the business fund was going to be devoted to political purposes. The alliance is in difficulties, having lost three-fourths of its members, leaving only about twenty-five thousand.

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IN CONGRESS.

Vest Attacks the Present Financial Policy.

Likens the Treasury Secretary to an Italian in Wall Street.

Another Effort to Be Made to Repeal the Silver Act.

A Parting Banquet to ex-Senator Carlisle—Mr. Voorhees Compliments the Foreign Policy of President Harrison.

By Telegram to the Times.

WASHINGTON, Feb. 16.—[By the Associated Press.] Senate—The Senate again took up the Sundry Civil Appropriation Bill.

Mr. Vest, in a speech, alluded to the depleted condition of the treasury. He spoke of the Secretary in Wall street being like an Italian mendicant for gold from the banks to sustain the public credit. It was openly avowed by some statesmen that their object was to tide over the next two weeks, so as to leave the present disgraceful condition of men of affairs on the incoming administration of Mr. Cleveland. Whatever were Mr. Cleveland's faults as an administrative officer or political leader, he left a net surplus of \$100,000,000 in the treasury. Switching off onto the Hawaiian proposed treaty, Mr. Vest said: "The other day Mr. Chandler proposed legislation prohibiting for twelve months immigration, because it was of a character to threaten the moral and political welfare of the country, and again because of the danger of cholera."

"Then almost immediately thereafter when the new Hawaiian commission's arrival in San Francisco was announced, Mr. Chandler rushed in with a resolution for the immediate annexation of the Hawaiian Islands, with their 90,000 inhabitants, about four thousand of whom are whites, and with an institution for the insane established. Now we are told there is to be another continuing appropriation for the late Queen of \$80,000 a year and a bounty for their sugar. It is singular that in all this furor of jingoism we hear nothing of the Hawaiian Commission, which is called an immense corporation, 60 per cent of whose assets consist of sugar plantations, and the stock of which is owned almost entirely by Claus Spreckels. The stock today is selling at a nominal figure, but if annexation takes place millions on millions will be put in the pockets of the men owning it."

Mr. Gorman addressed himself to the Democratic Senators, telling them that in a few weeks the responsibility would rest on them, and they could not evade it. By the first of July next they would have to meet the responsibility by increasing the appropriation for the amendment to reduce the appropriation for the Mississippi River was rejected. The next amendment was one reducing the appropriation for a canal at the Cascades of the Columbia River, in Oregon, from \$1,410,000 to \$869,000. The amendment was rejected. The next amendment was making the amount \$1,289,000. Agreed to—yeas, 24; nays, 20.

A number of other river amendments were disposed of. The next reserved amendment was one striking out the provision that no money be used for warrants or for prosecution under the internal revenue law, the words, "or laws relating to the election of members of Congress." This brought on a discussion concerning the merits and demerits of John Davenport, during which Mr. Frye alluded to William C. Whitney, a Populist, who had been elected President by some strange insanity of the people.

Messrs. Voorhees and Hiscok had a brief personal spat and then Mr. Hill took the floor. He opposed the amendment to reorganize solely in the farmers' interest. The officers of the alliance will issue an address to the members denying that the business fund was going to be devoted to political purposes. The alliance is in difficulties, having lost three-fourths of its members, leaving only about twenty-five thousand.

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THE SHERMAN SILVER ACT.

Lying Awake at Night Scheming to Repeal It.

WASHINGTON, Feb. 16.—[By the Associated Press.] Senator Stewart gave notice today of a substitute to be offered by him to the Nicaragua Canal Bill. It authorizes the President to connect with the governments of Nicaragua and Costa Rica for the right-of-way for an inter-oceanic ship canal between the Atlantic and Pacific oceans on the route proposed by the Maritime Canal Company of Nicaragua, the canal to be constructed, equipped and put in operation within ten years, and to authorize the President to negotiate with the canal company for the purchase of all its right and property, also issue bonds not exceeding \$100,000,000 in amount and drawing interest not over three per cent, not over \$100,000,000 of which shall be paid to the Nicaragua and Costa Rica governments and the canal company; the Secretary of War, through the engineer corps of the army, to build, construct and equip the canal.

BANQUET TO CARLISLE.

President Harrison's Foreign Policy Eulogized by Senator Voorhees.

WASHINGTON, Feb. 16.—[By the Associated Press.] A parting dinner was given Senator Carlisle tonight by his late associates in the Senate, nearly all the Senators being present.

President pro tem Henderson presided in the absence of Vice-President Morton, who later appeared and made a happy speech. Senator Voorhees of Indiana, responding to the toast, "The President," passed a warm eulogy on President Harrison, saying he believed Harrison's foreign policy would pass into history and challenge the admiration of the world.

Manderson, in proposing the toast to the health of Carlisle, referred to the fact that the Senator, Madison, Monroe and John Quincy Adams all stepped from the treasury to the White House. Sherman, supplementing the toast eulogized Carlisle for fairness and impartiality. Carlisle was manifestly affected by the toast of his greeting. In his reply he carefully avoided touching on any question affecting the financial policy of the next administration.

In the course of the subsequent speech-making, Senator Vest said that when Cleveland called upon Carlisle to accept the position, he (Vest) went to an institution for the insane, established. Now we are told there is to be another continuing appropriation for the late Queen of \$80,000 a year and a bounty for their sugar. It is singular that in all this furor of jingoism we hear nothing of the Hawaiian Commission, which is called an immense corporation, 60 per cent of whose assets consist of sugar plantations, and the stock of which is owned almost entirely by Claus Spreckels. The stock today is selling at a nominal figure, but if annexation takes place millions on millions will be put in the pockets of the men owning it."

A New Silver Dodge.

WASHINGTON, Feb. 16.—There is a new plan on foot to get a vote on the suspension of the silver purchases. It consists in obtaining a special order from the Committee on Rules for the consideration of the Stewart Free Coinage Bill, which passed the Senate last summer, and then moving the substitute suspending further purchases of bullion under the Sherman law until the bullion now in the treasury can be coined.

A New Reservation.

WASHINGTON, Feb. 16.—President Harrison has issued a proclamation creating the Sierra forest reserve in the State of California. The reservation comprises, approximately, 6000 square miles, in the counties of Merced, Fresno, Tulare and Kern.

Mr. Carlisle's Denial.

WASHINGTON, Feb. 16.—Ex-Senator Carlisle was asked today what authority there was for the statement credited to him that one of his first official steps would be to issue bonds, and this to be followed by a special session of Congress, at which the Sherman act would be repealed, and said he made no such statement to any one.

On the Retired List.

WASHINGTON, Feb. 16.—By direction of the President Gen. Gar will be placed on the retired list.

AN UNFORTUNATE NECESSITY.

The Cour d'Alene Silver Mines to Be Closed Down.

ST. LOUIS, Feb. 16.—[By the Associated Press.] A special from Boise, Idaho, says: "Advices from the Cour d'Alene silver mining district in Shoshone county, are to the effect that, owing to the low price of silver, the mills will, within a few weeks, be compelled to shut down. This will throw 3000 men out of employment, and have a disastrous effect on Northern Idaho."

The mine owners fear the general closing down will lead to a repetition of the labor riots of last July, the Legislature having recently passed a law making it virtually impossible for the Sheriff to summon a posse, and the State military organization is about to go to pieces. These two circumstances, the mine owners think, will give the union men control if inclined to be obstreperous. A shut-down of the great Cour d'Alene mines will have an appreciable effect on silver and lead markets, as they rank among the largest producers of the world.

Duel in Which Both Were Killed.

HUNTINGTON (W. Va.), Feb. 16.—Shirley Quilling and James Ewing, living near Catlettsburg, Ky., settled a quarrel today by fighting it out with pistols. Both parties were killed, and Ewing fell dead, shot through the heart. Quilling was mortally wounded and has since died.

A Fatal Powder Mill Explosion.

PITTSBURGH, Feb. 16.—An explosion at the McCabe Powder Works last evening resulted in the killing of Albertus McCabe and William Scarborough, and the serious injury of four others. The cause of the explosion is unknown.

Small Steamer Wrecked.

SAN FRANCISCO, Feb. 16.—Word has been received here that the A. B. Field, a fifty-ton steamer owned by H. Brown of Astoria, was wrecked in the mouth of Smith's River, California, on February 12. The crew escaped.

Brick Works Burned.

LINCOLN (Neb.), Feb. 16.—The Buckstaff Bros' paving and pressed brick works were destroyed by fire today. The loss is over \$100,000; insurance, \$50,000.

Sugar Firm's Prosecution.

WASHINGTON, Feb. 16.—The Attorney General will prosecute sugar firms for refusing to supply information to the Census Bureau.

BRITISH PARLIAMENT.

An Irish Member Rises to a Question of Privilege.

The Editor of the Times to Apologize for an Article Recently Published in That Newspaper.

By Telegram to the Times.
LONDON, Feb. 16.—[By Cable and Associated Press.] In the Commons today, Sir Thomas Esmond (anti-Parliamentary) called the attention of the House to a speech made by Viscount Wolmer (Liberal-Unionist) in St. James's Hall, in which he declared the Irish members subsisted on contributions made by the Gladstone caucus.

Esmond objected to this. Wolmer admitted that he had gone too far, but believed he was justified in saying that some association furthering Irish home rule supported the needy Irish members. Sexton characterized the statement as an invention, and demanded the Speaker to enforce an apology. The Speaker declined to interfere, as the statement was made outside of the House. Sexton said Wolmer's statement has been used by the Times as a basis to heap calumnies on the Irish members, saying Gladstone's majority would be wiped out if the Irish members did not receive stipends from the Liberal party fund or private liberality from the rich English partisans.

The Speaker suggested to Viscount Wolmer that unless he was prepared with proof of his statements he should apologize. Wolmer asked the suggestion ungraciously. Sexton then declared that the editor of the Times should be compelled to apologize at the bar of the House. Gladstone arose and said the publication of the article in question by the Times, in which Corbett was distinctly charged, constituted a breach of privilege. Balfour, while making no attempt to defend the Times, advised the House to avoid a conflict with the press. The House, however, approved the motion by Mr. Sexton that the editor of the Times be called to the bar of the House to apologize for the publication of the article.

Lord Randolph Churchill spoke when the debate was resumed on the Home-rule Bill. The scheme as described, he said, was vague and unreal. Ireland, he said, had been tranquil for years, and why should Gladstone introduce a hopeless and impossible scheme? The issue raised by the Premier was virtually a repeal of the union. Lord Randolph Churchill closed his speech with the prediction that if the Home-rule Bill passed the House, the English people would support the Lords in rejecting it.

Lord Randolph Churchill spoke in an acrid, flippant manner, which plainly irritated Gladstone. Among the most intent listeners were the Prince of Wales and the Duke of York. After indifferent speeches from Irish members, Labouchere spoke briefly, expressing the opinion that the bill was fairly satisfactory, and Gladstone the greatest living master of the fine art of legislation. Campbell-Bannerman, Secretary of State for War, also spoke. The Irish members later decided not to persist in the demand for the editor of the Times to appear at the bar of the House to apologize for accusing them of corrupt practices. They will be satisfied with a publication of an apology in the Times.

FAIL TO AGREE.

The Fine Italian Hand of the Southern Pacific.

NEW YORK, Feb. 16.—[By the Associated Press.] Negotiations between the Panama Railroad Company and the Pacific Mail Steamship Company looking toward an agreement upon some contracts by which the two companies can cooperate have been pending for over a week. The reply came last evening from the Pacific Mail Company to the Panama Company, which amounts to a complete failure of the negotiations, but which gives the Panama officials some reason to believe that the terms of the contract were essentially those of the Panama Company's offer of last January. They give

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Jersey cows or horses, installment plan
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THE COURTS.

Four Supreme Court Opinions Received for Filing.

Two Decisions Reversed and Remanded and Two Sustained.

A Test Case in the Matter of Deputy Constables' Salaries.

Suit Brought by the District Attorney to Enjoin the Payment of Certain Warrants—A Magistrate Charged With Malicious Mischief.

Four opinions were received from the Supreme Court by Deputy Clerk Seaton yesterday, for filing in this city, in relation to the following cases:

George A. Ralph, executor of the will of Kimball Hardy, deceased (respondent), vs. Mrs. L. E. Hensler and J. Irving Weed (appellants). Action to enforce a mortgage on defendant Hensler's real property, given to secure the payment of three several promissory notes, executed to Hardy in his lifetime by James P. McCarthy, as attorney in fact for Mrs. L. E. Hensler of New York. In which Weed was made a party defendant, on the ground that he had, or claimed, some interest in the property. The court found upon all the issues in favor of plaintiff, and defendant Hensler, appeals from the judgment and an order denying her motion for a new trial, contending that the court erred in admitting her power of attorney, notes and mortgage, and claiming that Hardy agreed to extend the time for the payment of the money in controversy, provided the accrued interest was paid up, and that therefore they were not due until after the action had been commenced. Appellant further contends that the evidence does not justify the findings of the court that Hardy was admitted to probate; that letters testamentary were issued to plaintiff, and that plaintiff was appointed to act as executor; and the court sustains these points, holding that the trial court had no right to take judicial notice of the fact that Hardy was admitted to probate in the matter of the estate of Hardy, nor in the same court, there being no evidence of any such proceedings. Judgment and order reversed, and cause remanded for a new trial.

Harris (respondent) vs. Foster (appellant). Action to recover from defendant as tenant in possession of a certain store, known as Santa Barbara county, one-half the value of the use and occupation thereof from the date of its sale under a judgment of foreclosure on September 1, 1890, until April 1, 1891. The trial court gave judgment in favor of plaintiff from the date of its purchase until February 1, 1891; and defendant appeals, claiming that the findings do not sustain the judgment. Defendant contends that, as he leased the land before it was purchased by plaintiff as the foreclosure sale, and paid to the then owner, the rent in advance for the whole term, according to his lease, he is not liable to plaintiff as successor in interest of one of his lessors, for any part of the value of his use and occupation under that lease, but the Supreme Court holds that, as the judgment of foreclosure had been entered before defendant obtained his lease, or paid any rent thereunder, he must have accepted the lease with the knowledge that the plaintiff had the right to have half of the land, so leased, sold to satisfy the judgment of foreclosure, and that "the purchaser from the date of the sale until a redemption" would be "entitled to receive from the tenant in possession the value of the property, or the value of the use and occupation thereof." (707 C. P.) The defendant continued in possession for one month after the expiration of his lease, and the trial court found the value of the use and occupation for that period to be \$100, and also gave judgment against defendant for half that sum. This ruling is held to be correct, and defendant did not by holding over cease to be a tenant in possession, or acquire any right to use plaintiff's property without paying for it. As to the value of the use and occupation, it is held that the findings fully sustain the judgment, which is affirmed.

Klauber and Levi (respondents) vs. George Vigneron et al. (Joanna Vigneron appellant). Action to foreclose certain mortgages, the material facts of which are as follows: On December 16, 1887, George Vigneron of Santa Diego, and John A. Watson his promissory note for \$300, and mortgaged his property to secure its payment both note and mortgage being subsequently assigned to plaintiffs. On January 26, 1888, Vigneron executed another note for \$700 to plaintiffs, securing it by a mortgage on the same property. On July 15 of the same year, Vigneron executed a note for \$1200 to plaintiffs, secured by a mortgage on the same property, and took up his \$700 note, the mortgage to secure which was duly satisfied on record. On January 1, 1890, Vigneron and his wife executed a note for \$3500 to C. H. Hill, also secured by mortgage on the same property. On June 27, 1890, plaintiffs commenced this action to foreclose their \$300 and \$1200 mortgages, Vigneron, his wife, and Hill being made parties defendant. George Vigneron allowed the matter to go by default, but his wife and Hill contested the action, the latter by way of cross-complaint asking for a foreclosure of his mortgage. A decree was entered in favor of plaintiffs, and from that and an order denying her motion for a new trial Mrs. Vigneron appeals, with the result that the judgment and order are reversed and cause remanded for a new trial, with leave to plaintiffs to amend their complaint if so advised.

San Diego Film Company (respondent) vs. Levi Chase (appellant). This is an appeal from the judgment with a bill of exceptions, and is the second appeal in the case (Sec. 87, Cal. 551). The question in the appeal is as to the correctness of the rulings of the lower court in refusing defendant leave to amend his complaint, and in rejecting evidence offered for the purpose of proving the facts stated in the proposed amendment, after the remittitur had been filed. The Supreme Court, however, affirms the judgment, holding that no matter how much it may have doubted what the true construction ought to be, if finally satisfied that the intent can be certainly ascertained from the writings, parol evidence cannot be introduced as to the intention of the parties, on the ground that its terms are ambiguous or uncertain.

MEREELY A TEST CASE.

Suit was commenced in the Superior Court yesterday by District Attorney Dillon, on behalf of the county, against County Auditor Lopez and County Treasurer Short, to enjoin them from issuing and paying certain warrants, upon the ground that the demands upon which they were based were unjust and illegal, and that the Board of Supervisors had no authority to allow the same. These demands were filed by B. F. Lewis for \$60, alleged to be due for services rendered as clerk for Justice Seapane; by R. S. Anderson for services as a deputy under Constable Richardson, for \$75; by J. H. Millette, one of Constable Rodgers' deputies, for \$75, and by Mark G. Jones for \$55, alleged to be due for the rent of Justice Bartholomew's courtroom, in the Jones Block.

It is contended by District Attorney Dillon that the county is not compelled to pay these claims, but that it is incumbent upon the justices and constables to pay their clerks and deputies out of their own salaries, and this action is simply a test case to determine the question.

CHARGED WITH MALICIOUS MISCHIEF.

A complaint was issued at the District Attorney's office yesterday for filing in Justice T. C. Boulton's Court at Azusa, charging J. R. Hodges, a justice of the peace at Covina, with malicious mischief, it being alleged by J. F. Amos, captain of the Covina Football Club,

that Hodges deliberately cut a football open in order to prevent the boys from playing.

MONTHLY DISCHARGED.

United States Commissioner Van Dyke held an examination into the case against J. H. Monteth, charged with having taken a letter addressed to W. W. Beach from the postoffice, but there being no evidence of any guilty intent on the part of defendant, he was discharged, and the case dismissed.

Court Notes.

Judge Smith yesterday morning arraigned Charley On, a Chinese, upon the charge of petty larceny, with prior conviction, and after appointing H. T. Carter, Esq., as counsel, allowed defendant until tomorrow morning in which to plead thereto.

Ah Lung appeared before Judge Smith in Department One yesterday morning and entered his plea of not guilty of the charge of petty larceny, with prior conviction, preferred against him, whereupon the Court set the matter for trial on March 13 next.

Owing to the absence of material witnesses for the prosecution the trial of the Karl Korn forgery case, which was called in Department One yesterday morning, was reset for March 14 next, by Judge Smith.

The motion to set aside the verdict and grant a new trial in the case against Thomas Lynch, recently convicted of petty larceny, second offense, was granted by Judge Smith yesterday morning, whereupon defendant was discharged on motion of the District Attorney.

Antonio Gonzales, the young Mexican recently convicted of grand larceny, appeared in Department One yesterday morning to receive sentence, and was ordered imprisoned in the State prison at Folsom for the term of five years.

Upon motion of A. J. King, Esq., and presentation of certificate from the Supreme Court of Minnesota, E. St. Julien Cox, Esq., was duly admitted to practice in the Superior Court of this county by Judge Wade yesterday morning.

Lickman Victorson, a twelve-year-old incorrigible, was committed to the State Reform School at Whittier for three years by Judge Wade yesterday morning, but the Board of Supervisors refusing to certify to the inability of the lad's father to pay for his maintenance, the Court subsequently discharged him.

The taking of testimony in the case of Mrs. Leonora Y. de Rowland et al. vs. the County of Los Angeles, the Puente ranch road suit, was resumed before Judge Van Dyke in Department Four yesterday, and will be taken up again today.

The defendant in the case of C. G. Harrison vs. W. P. Davis et ux., an action to foreclose a mortgage for \$8825 on a piece of land at The Palms, having allowed the matter to go by default, judgment was ordered for the plaintiff, as prayed for.

Judge Shaw tried the case of the Southern Insurance Company vs. G. W. Edmonds et al., an action to recover \$50 alleged to have been overpaid upon a policy, appealed from Judge Owens's judgment, and ordered judgment for the plaintiff therein, as prayed, thereby reversing that of the lower court.

G. J. Slotberg, W. F. Sylvester, Chris Jann and Charles Peterson, four Pasadenaans, were arraigned before Justice Bartholomew yesterday upon a charge of trespass, preferred against them by Ralph Rogers of Garvanza, and were released upon their own recognizances to appear for trial on Thursday next.

New Suits.

Among the documents filed with the County Clerk yesterday were the preliminary papers in the following new cases:

Petition of Mrs. Ann Unruh Rosenthal for leave to become a sole trader, in order to support herself and six children, her husband, Emil J. Rosenthal, being idle and dissolute.
M. E. Johnson vs. M. V. Biscailuz, suit to recover \$4000 alleged to be due on a promissory note.
W. H. Mansfield vs. H. B. Ransom et al., suit to foreclose a mortgage on a piece of land in the Highland Park tract for \$1000.
Epiphra Leonis vs. Eduardo Antunez et al., suit to recover possession of a tract of land at Calabasas, and for \$240 rent and \$240 damages.
A. Daguerre vs. Jeanne E. Laraneta et al., suit to discover property of defendant Laraneta, and compel the application thereof to the satisfaction of a deficiency judgment against her.

Today's Calendar.

DEPARTMENT ONE—Judge Smith.
People, et al. vs. William Paul; perjury; trial.

DEPARTMENT TWO—Judge Clark.
Estate of A. Rowland, deceased; citation.

Estate of M. M. de R. de Odon, deceased; final account and distribution.
Estate of Harry Haskins, deceased; to confirm sale.

Estate of H. J. Endor, deceased; to confirm sale, etc.
Estate of Ann E. Steere, deceased; will.

Estate of Manly Rogers, deceased; leave to convey.
Estate of S. F. de Vasquez, deceased; distribution.

Estate of Gus Krug, deceased; letters.
Estate of Georgia D. Willis, minor; letters.

James B. Weir vs. James Ford, administrator; reply.
Louise D. Neuner vs. Martin C. Neuner et al.; foreclosure.

DEPARTMENT THREE—Judge Wade.
M. B. Frankel, administrator, vs. Mrs. E. O'Connell; for possession.

DEPARTMENT FOUR—Judge Van Dyke.
W. A. Irvin vs. Nadeau Vineyard Land Company; contract.

W. F. Hanks vs. C. J. Flatt et al.; foreclosure.
Leonora Y. de Rowland et al. vs. County of Los Angeles; trial.

DEPARTMENT FIVE—Judge Shaw.
J. L. Purcell vs. E. L. Williams; appeal.

DEPARTMENT SIX—Judge McKinley.
Louise Arce vs. Cosme Arce; restitution.

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prostration, nocturnal emissions, leucorrhea,

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For two reasons we are willing to ignore profit for the remainder of this month.

FIRST—Our Spring stock will be immense and we must make room for it.

SECOND—We are about to make extensive improvements to our store, and would rather sell our goods than have them get dusty.

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A dose of Spring medicine is good for things inanimate as well as animate. Well, that's what we're doing: toning up our stock, besides we want to tickle competitors.

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\$40 Suits for \$30

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\$10 Trousers for \$8

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